

Appn. S.N. 10/697,615
Amdt. dated October 26, 2005
Reply to Office Action of July 28, 2005
Docket No. 10010217-3

12

REMARKS

The Office Action of July 28, 2005 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Upon entry of this Amendment, claims 1-7, 10-27, 30 and 32-57 remain in the application. Reconsideration of the claims as currently set forth is requested.

Claims 1-7, 10, 11, 13-16, 33, 36, 43, 45-47, 50-53, 56 and 57 stand rejected under 35 U.S.C. 102(b) as being anticipated by Voges et al. (5,894,841). The Examiner states that Voges teaches an applicator for delivering a bioactive composition, comprising: an inkjet droplet dispenser comprising an orifice and a main body; a replaceable fluid reservoir at least partially insertable through the body; and a body orifice spacer that is external to the main body for partial insertion into a mouth of a human; wherein the spacer changes a delivery direction; further comprising a programmable microprocessor.

Applicant respectfully points out that Voges does not teach "multiple reservoirs", each of which is "configured to hold a different bioactive composition" as recited in Applicant's Independent claims 1, 33, 43 and 50. Voges teaches that a single reservoir dispenses the medication.

As such, it is submitted that Applicant's invention as defined in claims 1, 33, 43 and 50, and in those claims depending ultimately therefrom is not anticipated, taught or rendered obvious by the cited reference, either alone or in combination, and patentably defines over the art of record.

Claims 8, 9, 12, 19-30, 32, 34, 35, 44, 48 and 49 stand rejected under 35 U.S.C. 103(a) as being anticipated by Voges in view of Makiej, Jr. (5,002,048). The Examiner asserts that Makiej teaches an inhaler having multiple replaceable reservoirs for delivering bioactive compositions. The Examiner states that it would have been obvious to modify the inhaler of Voges to include the fluid reservoirs of Makiej to provide an inhalation device that facilitates administration of complementary medications.

Assuming *arguendo* that the skilled artisan would be led to combine the inhaler of Voges with the multiple reservoirs of Makiej, Jr., Applicant respectfully submits that such combination would not render Applicant's invention as defined in amended claims 1, 19,

Appln. S.N. 10/697,815
Amdt. dated October 26, 2005
Reply to Office Action of July 28, 2005
Docket No. 10010217-3

13

33, 37, 43, 49 and 50 (which now include some of the limitations set forth in the rejected claims). Makiej teaches that the complementary medications are dispensed separately and sequentially from the device. Makiej explains that the device is suitable for delivering a first medication at a first time and then a second, complementary medication, at a second time after the administration of the first medication. Specifically, Makiej teaches that the first medication may dilate bronchial passageways, and that the second medication is delivered afterwards to reduce inflammation. As such, Applicant respectfully submits that the combination of Voges and Makiej would not render a device that simultaneously delivers multiple medications.

In sharp contrast, Applicant's invention as defined in claims 1, 19, 33, 37, 43, 49 and 50 is configured to simultaneously deliver bioactive compositions from multiple reservoirs. Support for this recitation may be found in the specification as filed, and in the substitute specification, at least at page 16, paragraph 54.

As such, it is submitted that Applicant's invention as defined in claims 1, 19, 33, 37, 43, 49 and 50 and in those claims depending ultimately therefrom is not anticipated, taught or rendered obvious by the cited reference, either alone or in combination, and patentably defines over the art of record.

Claims 17, 18, 37-42, 54 and 55 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Voges in view of McKinnon et al. (6,190,326). The Examiner admits that Voges fails to teach that the controller is programmable from a remote computer and the controller is programmable from a keypad mounted on an external surface. The Examiner also states that McKinnon teaches a common controller for accurately collecting information about a patient's respiratory condition. The Examiner concludes that it would have been obvious to modify the controller of Voges to include the remote computer and keypad of McKinnon to allow entry of the specifics of a treatment plan by a physician.

McKinnon teaches that a base unit (that is capable of interacting with the inhaler mouthpiece) includes a keypad. McKinnon does not teach that the inhaler itself has a keypad located thereon, as is recited in Applicant's claims 18, 39, and 55. As the keypad

Appn. S.N. 10/697,815
Arndt. dated October 26, 2005
Reply to Office Action of July 28, 2005
Docket No. 10010217-3

14

suggested by McKinnon is located on a separate unit, it would not be obvious to include such a keypad directly on the inhaler of Voges.

Assuming *arguendo* that the skilled artisan would be led to combine the inhaler of Voges with the remote computer and keypad of McKinnon, Applicant respectfully submits that such combination would not render Applicant's invention as defined in claims 17, 18, 37-42, 54 and 55. As previously stated, Voges does not teach or suggest multiple fluid dispensers containing different bioactive compositions, as recited in Applicant's claims.

As such, it is submitted that Applicant's invention as defined in claims 17, 18, 37-42, 54 and 55 and in those claims depending ultimately therefrom is not anticipated, taught or rendered obvious by the cited reference, either alone or in combination, and patentably defines over the art of record.

For all the reasons stated above, it is submitted that Applicant's invention as defined in claims 1-7, 10-27, 30, and 32-57 and in those claims depending ultimately therefrom is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1-7, 10-27, 30 and 32-57 remain in the application. It is submitted that, through this amendment, Applicant's invention as set forth in these claims is now in a condition suitable for allowance. Further and favorable consideration is requested.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.



Julia Church Dierker
Attorney for Applicant
Registration No. 33368
(248) 649-9900

3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48084-2813
Dated: October 26, 2005
JCD/JRK/jrk